

CONSERVATION COMMISSION
REGULAR MEETING APRIL 15, 2008
E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Igielski, Shapiro and Shaffer present. Also present were Alternate Turgeon and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Turgeon would vote for vacant position.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of March 18, 2008

Commissioner Shapiro noted the following corrections:

- A. Page 2---Bottom of page, the remark by Mr. Ferraro should read "Mr. Ferraro noted development of the property.....sewer line and regrading (regarding) of the area...at full capacity."
- B. Page 3---Top of page, remark by Alternate Zelek should read "Alternate Zelek raised a question.....made tonight due to the fact.....with the application."
- C. Page 4---Top of page, Remark "C" should read "The buildup (build up) of water overwhelms (overwhelms) the outlet pipe.....at 97 Reservoir Road."
- D. Page 4---Middle of page, Remark "H" should read "The plan, which shows.....area. The overflow (over flow) from the open space.....the new pipe."
- E. Page 6---Bottom of page, remark by Mr. Ferraro should read "Mr. Ferraro passed out a revised.....can be streamlined (streamed line) into one (1).....home and review it."

Commissioner Igielski noted the following corrections:

- A. Page 1---Top of page, Roll Call should read "Chairman Block called the (call the) roll call at 7:00 p.m. and noted....and Mr. Anthony Ferraro, Town Engineer."

- B. Page 1---ACCEPTANCE OF MINUTES should read “Regular Meeting of February 19, 2008 (2007)”
- C. Page 4---Top of page, Remark “C” should read “The build up of water.....both sides of the (other) house at 97 Reservoir Road.”
- D. Page 4---Top of page, Remark “E” should read “A new pipe would.....watercourse that serves (that) as the outlet.....drainage system.”
- E. Page 5--- Middle of page, Remark “C” should read “The Town of Newington is requesting a one (1) year extension of the permit.”
- F. Page 5---ITEM VB should read “ITEM VI A”

Chairman Block noted in the middle of the page remark by him should read “Chairman Block said the Commission could (would) waive.....the request tonight.”

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Commissioner Shaffer. There was no discussion. Vote was 4 yes, 0 no, 1 abstention (Shapiro) and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA

Election of Officers (Commission Secretary)

No action was taken to fill the position.

Motion made by Commissioner Shapiro to table the item over to the May meeting and was seconded by Commissioner Shaffer. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VB

APPLICATION 2008-4, Above Ground Swimming Pool at 111 Cinnamon Road

Mr. Tony Marques, the applicant, noted the request is to extend an existing deck and install an above ground swimming pool in the rear yard.

Chairman Block noted there is a note on the plan that states “No Intrusion per Army Corps of Engineers Permit”. It appears that single line shading is affected by proposed activity.

Mr. Marques noted that he would be required to get an Army Corps of Engineers permit. A neighbor had to go through the same process for a pool. He (Mr. Marques) has been in contact with the Corps.

Chairman Block asked the following Questions:

- A. What do the dash lines signify and where did they come from? Mr. Alan Bongiovanni, agent for the applicant, noted that the applicant needs Town approval before the applicant can approach the Corps. The dash lines represent boundary lines for Lots 4, 5 and 11 that were part of the wetland permit that was issued by this Commission for the Nutmeg Subdivision. The Army Corps of Engineers permit required that these lots (4, 5 and 11) be retained as open space.
- B. Where is the wetland boundary line as it relates to the subject property? Mr. Bongiovanni responded at the toe of the embankment slope. The buffer area (upland review area) covers the entire lot.

Commissioner Shaffer asked the following questions:

- A. What underlying work would be done relative to the installation of the pool? Mr. Bongiovanni responded about a foot of material would be removed and area leveled and to be followed with the placement of a layer of sand.
- B. How many gallons of water would the pool hold? Mr. Bongiovanni responded that his best guess would be about 10,000 gallons.
- C. How would water be removed from the pool at the end of the season? Mr. Bongiovanni responded by a long hose that would carry the water out to the street.

Mr. Ferraro noted that the area is surrounded by wetland. The only other option would be to place the pool in the front yard, which is not practicable.

Chairman Block asked if a temporary spreader should be installed to treat the backwash in the spring? Mr. Bongiovanni responded that he sees no need because only a small volume of water is involved. NOTE: There was a follow-up discussion (listen to audio tape for details).

Chairman Block opened a discussion on the procedure to be followed in processing the application.

Mr. Bongiovanni suggested that in order to move the application along, the Commission could consider the use of an Administrative Permit.

Mr. Ferraro noted that the activity is up against the wetland.

Chairman Block asked if we (Commission) could vote to handle it (application) administratively? Commissioner Igielski noted that the Commission must allow two (2) weeks for public comment.

Chairman Block noted the matter would be held over for further discussion later in the meeting under "OLD BUSINESS".

ITEM VC

Charter Review Considerations

There was a general discussion among Commission members that Section 6.16 of the Town Ordinances gives the Commission its authority to regulate the Town wetlands. However, there is no reference in Section 607 (Conservation Commission) of the Town Charter as to its authority to regulate Town Wetlands (listen to audio tape for details of the discussion).

It was the consensus of Commission members that Mr. Ferraro make an inquiry into the matter to the Charter Revision Commission.

It was noted that per Section 6.20 of the Ordinances no reference is made to the Commission's authority to regulate the Town's wetlands. Mr. Ferraro was directed to look into the matter.

ITEM VI A

APPLICATION 2008-2, Family Adult Daycare, Willard Avenue

Mr. Ferraro noted that he did receive today a report on the inspection of the wetland as per the request of the Commission at last month's meeting. He passed out a copy of the report to Commission members.

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2008-2 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shaffer. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general discussion by Commission members (listen to audio tape for details).

Motion made by Commissioner Shaffer to grant a permit by Summary Ruling for Application 2008-2 and subject to conditions. Motion was seconded by Alternate Turgeon. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

ITEM VI B

APPLICATION 2008-3, Reservoir Road Drainage Project

Mr. Ferraro noted that a revised set of plans and a report from REMA Ecological Services was included in the agenda package.

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Commissioner Shaffer noted that Alternate Zelek at last month's meeting expressed a concern about providing protection to keep children out of the pipe.

Mr. Ferraro said that a trash rack would be placed at the inlet end of the pipe. The Board of Education supports the project.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2008-3 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general discussion by Commission members (listen to audio tape for details).

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2008-3 and subject to conditions. Motion was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

ITEM VIC

Cutting behind St. Mary's Church

Mr. Ferraro passed out several photographs showing the area where the cutting had been done and entered the following remarks into the record:

- A. He initially met with representatives from the Highway and Parks & Recreation Departments on site, where the scope of proposed work was reviewed and a determination was made by him that the scope of work would be considered to be a maintenance activity.
- B. Initially a side-mower was brought in to clear brush along the edge of the slope. The machine got stuck and could not get out. Some rutting occurred during the effort to get the machine out.
- C. A bucket loader was brought in to get the machine out. It also got stuck and could not get out. Additional rutting and damage was done.
- D. After the work was finally done, all damage and rutting was repaired.
- E. The photos show a free flow of water.
- F. The circumstances show a situation that got out of hand (due to field conditions) and was not done initially.

Commissioner Igielski noted that based on the report of the Town Engineer, an extraordinary situation developed (due to field conditions) and no further action should be taken.

ITEM VI D

Draft Application Form

Commissioner Igielski noted that he compared the current application form to the one under discussion. He noted the wording was different in several areas, which in his opinion resulted in a change in meaning.

There was a general discussion among Commission members on several items where a question was raised on the form under discussion (listen to audio tape for details of the discussion). It was the consensus of Commission members to modify the form to include the changes discussed tonight.

Motion made by Commissioner Shaffer to table the item over to the May meeting and was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Motion made by Commissioner Igielski to add ITEM VI E- APPLICATION 2008-4, Above Ground Swimming Pool at 111 Cinnamon Road to the agenda and was seconded by Commissioner Shaffer. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VI E

APPLICATION 2008-4, Above Ground Swimming Pool at 111 Cinnamon Road

There was a general discussion among Commission members on a question that was raised on the procedure that would have to be followed if the Commission was to change the status of the application from a formal application to an Administrative action (listen to audio tape for details of the discussion).

It was the consensus of the Commission following the discussion not to change the status of the application and to carry the item over to the May meeting.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

Mr. Ferraro reported that he had received a fax this morning about the possible activity involving the piling of wood within the buffer zone of Webster Brook. The Commission after receiving a report from Mr. Ferraro came to a consensus that the matter was outside the jurisdiction of the Commission. The matter would be referred to Zoning (Enforcement Officer) and Health District.

Motion made by Commissioner Shaffer to adjourn meeting at 8:55 p.m. and was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

Peter M. Arbur, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager John Salamone
Edmund Meehan, Town Planner
Councilor Myra Cohen
Chairman, Town Plan and Zoning Commission
Anthony Ferraro, Town Engineer
Ben Ancona Jr., Esquire, Town Attorney
Lucy Robbins Wells Library (2)